

**UNITED STATES BANKRUPTCY COURT  
FOR THE DISTRICT OF MARYLAND  
at Baltimore**

IN RE:

Barbara A. Tucker

Case No.: 05-10152-DWK  
Chapter 13

**DEBTOR(S)**

Meritage Mortgage Corporation c/o Ocwen  
Federal Bank

**MOVANT**

vs.

Barbara A. Tucker

**RESPONDENT(S)**

**MOTION SEEKING RELIEF FROM AUTOMATIC STAY**

MERITAGE MORTGAGE CORPORATION C/O OCWEN FEDERAL BANK (hereinafter MOVANT), by its undersigned counsel, files this MOTION SEEKING RELIEF FROM AUTOMATIC STAY, pursuant to 11 U.S.C. SECS. 362 which is a core proceeding pursuant to 28 U.S.C. SEC. 157, and for reasons states as follows:

**ONE**

That the above-named Barbara A. Tucker (hereinafter "RESPONDENT(S)") initiated proceedings in this Court seeking relief under Chapter 13 of 11 U.S.C.

**TWO**

That MOVANT is the holder of a Note secured by a Deed of Trust, which encumbers the real property of the RESPONDENT(S), known as 731 Melville Avenue, Baltimore, MD 21218 (the "property") (see attached Exhibit "A"), presently owned by the RESPONDENT(S), in the approximate principal amount of \$9,924.31, plus interest, late charges and other costs. Said Instrument is recorded among the Land Records of Baltimore City, Maryland.

**THREE**

That the RESPONDENT(S) is/are in default in payment of the Deed of Trust Note to MOVANT; said default involving non-payment of TWO (2) post-petition payment(s) for the period of October, 2006, through November, 2006, in the amount of \$254.70, plus late charges, plus any additional payments and late charges thereon that may fall due after the filing of this motion, plus attorney's fees and costs.

**FOUR**

That MOVANT believes and avers that its security interest concerning the property is not adequately protected.

COHN, GOLDBERG &  
DEUTSCH, LLC

ATTORNEYS AT LAW  
600 BALTIMORE AVENUE  
SUITE 208  
TOWSON, MD 21204

410-296-2550

File #: 411463

FIVE

That MOVANT has been and continues to be irreparably injured by the Stay of S. 362(a) of the Bankruptcy Code which prevents the MOVANT from enforcing its right under its Deed of Trust.

WHEREFORE, MOVANT, prays this Honorable Court grant the following relief:

- A. That the Court enter an Order lifting the Stay of S. 362 to enable Meritage Mortgage Corporation c/o Ocwen Federal Bank , or its successors and assigns, to enforce its rights under its Deed of Trust, which would enable it to foreclose on the property.
- B. That the Court grant such other and further relief as may be necessary.

/s/Richard J. Rogers

Richard J. Rogers, Esquire  
Cohn, Goldberg & Deutsch, LLC  
600 Baltimore Avenue, Suite 208  
Towson, MD 21204  
410-296-2550  
Attorney for Movant

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**\* \* \* \* \* CERTIFICATION OF SERVICE \* \* \* \* \***  
**ON**  
**MOTION SEEKING RELIEF FROM AUTOMATIC STAY**

I, the undersigned counsel of COHN, GOLDBERG & DEUTSCH, LLC, 600 BALTIMORE AVENUE, SUITE 208, TOWSON, MD 21204, certify that I am, and at all times hereinafter mentioned was, 18 years of age and that on November 17, 2006, I served a copy of the MOTION SEEKING RELIEF FROM AUTOMATIC STAY, by FIRST CLASS MAIL, and/or ELECTRONIC FILING NOTIFICATION on the respondent(s) in this proceeding to:

Barbara A. Tucker  
731 Melville Avenue  
Baltimore, MD 21218

Barbara A. Tucker  
3611 West Lexington Street  
Baltimore, MD 21229

and respondent(s)' counsel:  
Jill A. Kolodner, Esquire  
14 West Madison Street  
Baltimore, MD 21201

Gerard R. Vetter, Trustee  
7310 Ritchie Highway, Suite 715  
Glen Burnie, MD 21061-3293

I certify under penalty of perjury that the foregoing is true and correct.

Executed on November 17, 2006

/s/Richard J. Rogers  
Richard J. Rogers, Esquire

COHN, GOLDBERG &  
DEUTSCH, LLC

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